



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

unreasonableness, of some rules of law applicable in the field of his investigation.

The result justifies the effort of the author to present in a clear and reasonable way various methods of very greatly assisting the courts to come to correct conclusions on these, many times, very troublesome questions as to the genuineness of hand-writing. So frequently does either the life, liberty, reputation or important property rights, depend upon whether a few written letters were made by one hand or another, that any real assistance in the solution of this question is welcome.

Mr. Osborn is as ready as any to disparage the dogmatic opinion of anyone, however extended his experience in this field, who arrives at it by intuition rather than as the result of the consideration of reasonable evidence which he welcomes the opportunity to present in support of his opinion.

Mr. Osborn's discussion is refreshingly free from that empirical attitude so apt to characterize one who through careful study has made himself a master in a particular field.

The first chapter, the "precautionary" chapter, is full of wise and helpful suggestions.

The chapter on "Standards of comparison," in view of the condition of the law on this subject, is very interesting matter.

So much may also be said of the chapters on "Ink and Questioned Documents" and on "Paper and Questioned Documents."

The book as a whole presents the results of extensive, careful and *scientific* study and research in this particular field in such a judicial spirit that it is certain to receive a cordial welcome by the legal profession and others specially interested in the questions it discusses.

The mechanical execution of the book is most excellent, making it peculiarly pleasing to those interested in good printing as well as good printed matter.

V. H. L.

THE VISIGOTHIC CODE (*Forum Judicum*).—Translated from the original Latin, and edited by S. P. Scott, Author of "Through Spain," "History of the Moorish Empire in Europe," Member of the Comparative Law Bureau of the American Bar Association. Boston: Boston Book Company, 1910, pp. lxxiv, 419.

The wisdom of the committee on comparative law of the American Bar Association is shown by the choice of this code for translation. Aside from the fact that the *Forum Judicum* is intrinsically one of the best of the early barbarian codes, it has a peculiar value because of its historic position, portraying as it does the three important elements of the Spanish civilization of the seventh century. It is based on the *Breviarium Alaricianum*, which contributes, in the main, Roman elements; the Code of Euric, from which it may be assumed to have taken principles of West Gothic law; and was formulated under the influence of the Council of Toledo, through which it gets its theocratic tinge. It then in turn becomes a source of authoritative law for later Spanish jurists, a position which it maintains at the present day.

As late as the last year of the eighteenth century the *Fuero Juzgo* was held "not derogated by any other," and today, according to Mr. Scott, it occupies a position somewhat analogous to that of the Common Law with us, inasmuch as all questions not otherwise determined are referred to and decided by its provisions.

A translation of such a work appeals in general to two classes of readers; first, those who wish to get access to the material of the original without the labor involved in reading in the foreign tongue, for the historical or literary purpose, and, second, those who wish to use it for a scholarly or scientific purpose of comparative study. Mr. Scott's translation meets the needs of the first class admirably. The introduction has a real literary flavor and may well be classed in the category of interesting reading for all who have a desire to know anything about this very important historico-legal work of the seventh century. Nor is the literary charm gained at the expense of scholarly accuracy in statement of fact nor of skillful presentation of the main historical movements of the time. The body of the text, too, is turned into clear and idiomatic English, an achievement which certainly involved no small amount of painstaking labor, if one considers the barbarous Latin of the original, little assistance in the rendering of which, the translator says, has been afforded by the obscure Castilian version. But for the help of the other class of readers some simple additions might have been made which would materially enhance the value of the work. In the first place there seems to be no mention of the edition of the original text used, at least this does not appear in the usual position at the end of the introduction, and the translator gives us little information as to his method of handling the chief difficulty in such a work, namely, the translation of the technical terms. He does tell us that he has frequently used paraphrases, that so far as practical he has attempted to observe the spirit of the original and that he has preferred to render the words and expressions literally when this can be done, but this does not help us much when we come to the interpretation of any particular passage.

In the handling of this troublesome question a number of devices may be used. The simplest perhaps is the use of the etymological cognate, as for example, "contract" for *contractus*. This has, however, in many instances little more to recommend it than its simplicity and it runs counter to the fundamental dictum of our teachers of elementary classics that the cognate should be avoided. Even in the example above cited we may be in doubt whether *contractus* means contract or the obligation arising from a contract, though the Roman would have had little difficulty on that score. The institutional cognate is sometimes available, as the translation of *magistratus* by executive, but in this we are constantly liable to get mere similarities instead of equivalent ideas and often make the anachronistic blunder of reading into remote times a purely modern conception. The simple transfer of the word from one language to another as in the case of *status* is, of course, the ideal method of transferring the concept, but unfortunately this is confined to very narrow limits and, as a matter of fact, begs the entire question of translation. Finally, the explanatory phrase may sometimes be used; as for exam-

ple, "the law of the abnormal person" for *jus ad personas*. It is manifestly impossible to say which of these devices is best in itself and in so difficult a task as is the translation of a mediæval legal Latin text all of them may well be used. It would, however, make a translation much more useful if we had some hint at the hard points as to how the translator has met the difficulty. The insertion of the foreign word in brackets along side of the translation has been used with excellent results by Loewy in his English version of the German Civil Code and to a less extent by Walton in his translation of the Spanish Civil Code. Inasmuch as the translations of the Bureau of Comparative Law are more likely to be used by the scholar seeking definite information on a particular point of comparative law than by the reader with mere literary interests, it might be suggested that some such concession could be made to the scientific jurist even at the expense of spoiling to some extent the literary form of the product.

The many notes, mainly institutional commentary, which are sprinkled through the text could be made more helpful if the authorities for the statements of facts were given in each instance. The explanation of the term *antiqua* given in the note on page 98 is apparently not in strict accord with the reference to the same word in the note on p. 351. The *peculium castrense* is certainly not identical with the military will of the Roman legionary of classic Roman law, as seems to be implied in the note on p. 73, though the *peculium* might be disposed of by the *testamentum militare*. The borrowing of the Twelve Tables from the penal legislation of the Greeks, referred to in the note on p. 260, must probably be included in the category of the "not proved."

J. H. D.